

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

JERRY BONNETT,
individually and on behalf of
all others similarly situated,
Plaintiff,

Case No.: 17-cv-1742-NJ

v.

UNIVERSAL METRICS, INC.
Defendant.

ORDER OF DISMISSAL WITH PREJUDICE AND
ENTRY OF MANDATORY INJUNCTION

On September 13, 2018, the Court conducted a fairness hearing on the proposed settlement agreement. ECF No. 20-1. At that hearing, the Court found that the settlement agreement was fair, reasonable, and adequate. For the reasons stated by the Court on the record, the Court **ORDERS** as follows:

1. The court **APPROVES** the settlement agreement in its entirety, and finds that the Settlement Agreement meets the requirements of federal law, relevant Wisconsin law, and due process.

2. The court **FINDS** that the settlement terms negotiated by the parties and described in the Settlement Agreement are a fair and reasonable resolution of a *bona fide* dispute between the Defendant, the named plaintiff, the certified Fed. R. Civ. P. 23 Class Members, and the 29 U.S.C. § 216(b) Collective Class Members.

3. The court **ORDERS** that Hawks Quindel, S.C. shall serve as class counsel for the certified Fed. R. Civ. P. 23 Class and the 29 U.S.C. § 216(b) Collective Class.

4. The court **ORDERS** that Jerry Bonnett shall serve as representative for the certified Fed. R. Civ. P. 23 Class and the 29 U.S.C. § 216(b) Collective Class.

5. The court **ORDERS** that the Settlement agreement is binding on Defendant, Jerry Bonnett, the Collective Class, as well as all of the Rule 23 Class Members who have not excluded themselves.

6. The court **FINDS** the service award of \$7,500.00 to Named Plaintiff Bonnett to be fair and reasonable.

7. The court **FINDS** that the plaintiff's request of attorneys' fees in the amount of 33.33% of the settlement fund, \$58,333.33, is reasonable. The court further **FINDS** that costs in the amount of \$3,661.83 are fair and reasonable, **GRANTS** these requests. The Court **AWARDS** Hawks Quindel, S.C. a total of \$61,995.16 in fees and costs.

8. Under the Settlement Agreement, the Court **ORDERS** the Defendant to make payments provided for in the Settlement Agreement to Hawks Quindel, S.C. within seven (7) days of the date of this Order.

9. The Parties request the Court retain jurisdiction to enforce the terms of their settlement agreement under the authority of *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375, 381-82 (1994). Accordingly, the Court enters a mandatory injunction requiring Defendant make payments to the Class Members in the identified amounts below:

Name	Service Payment	FLSA - W2	FLSA - 1099	WI Law - W2	WI Law - 1099	TOTALS
ALEXANDER, RICKEY		\$49.59	\$49.59	\$66.11	\$33.06	\$198.34
ALLEN, MILTON				\$115.41	\$57.71	\$173.12
AMOLE , JUSTIN M				\$79.06	\$39.53	\$118.60
BAKER , ANDRE				\$137.45	\$68.73	\$206.18
BARTEL , RYAN L		\$83.83	\$83.83	\$111.78	\$55.89	\$335.34
BAUMAN, DEREK				\$194.52	\$97.26	\$291.79

BAXTER, MELISSA				\$79.04	\$39.52	\$118.55
BENNETT , KELLARD D				\$123.14	\$61.57	\$184.71
BERINGER , PHILIP M		\$112.12	\$112.12	\$149.49	\$74.75	\$448.48
BIERMANN , CHRISTOPHER J		\$254.20	\$254.20	\$338.93	\$169.46	\$1,016.79
BINK, ANDREW		\$234.66	\$234.66	\$312.89	\$156.44	\$938.66
BIRD, BRIAN				\$54.54	\$27.27	\$81.80
BLUNT, TIRRELL				\$33.62	\$16.81	\$50.44
BONNETT, GERALD	\$7,500.00	\$200.23	\$200.23	\$266.97	\$133.49	\$8,300.91
BORGIA SZ, SCOTT				\$36.35	\$18.18	\$54.53
BRAATEN , DANIEL W		\$406.51	\$406.51	\$542.01	\$271.00	\$1,626.02
BRADEN, CLIFFORD		\$156.72	\$156.72	\$208.96	\$104.48	\$626.89
BUDNEY , ALLEN M				\$14.54	\$7.27	\$21.81
BURDEN, RHONDA				\$56.78	\$28.39	\$85.18
BURKE , TIMOTHY K		\$413.01	\$413.01	\$550.67	\$275.34	\$1,652.02
BURMEISTER , ASHLEY M		\$540.19	\$540.19	\$720.25	\$360.13	\$2,160.75
CANAPA, ARON				\$13.63	\$6.82	\$20.45
CARTER, WILLIAM				\$96.05	\$48.03	\$144.08
CHANTHAVONG, SOMBOUN				\$169.91	\$84.95	\$254.86
COLOSO , STEVEN C		\$361.62	\$361.62	\$482.16	\$241.08	\$1,446.48
CONLEY , TONY M				\$12.72	\$6.36	\$19.08
CORRIGAN, PATRICK		\$78.26	\$78.26	\$104.34	\$52.17	\$313.03
CUBA , DAMON R		\$31.01	\$31.01	\$41.35	\$20.67	\$124.05
CURRIER, BRUCE		\$18.40	\$18.40	\$24.54	\$12.27	\$73.61
DANICK, JASON				\$61.75	\$30.87	\$92.62
DEHART, JOSEPH		\$42.88	\$42.88	\$57.18	\$28.59	\$171.53
DIAZ, FELIPE		\$31.30	\$31.30	\$41.74	\$20.87	\$125.21
DRAVEN , JOSEPH D				\$114.55	\$57.28	\$171.83
DUCHROW , CHRISTOPHER M				\$122.00	\$61.00	\$183.00
DZIBINSKI, LINDA				\$75.38	\$37.69	\$113.07
EHLER, JORDAN				\$10.91	\$5.45	\$16.36
EIGENBERGER, JEFFREY		\$5.79	\$5.79	\$7.72	\$3.86	\$23.17
ERICSON, ROBERT				\$16.77	\$8.39	\$25.16
FARRIS , MARIAN R		\$353.64	\$353.64	\$471.52	\$235.76	\$1,414.56
FARRIS, PATRICK		\$17.04	\$17.04	\$22.72	\$11.36	\$68.16
FELDERMAN, DENNIS		\$149.90	\$149.90	\$199.87	\$99.94	\$599.62
FIKES, MARQUIS				\$46.12	\$23.06	\$69.18
FLEMAL , CRAIG R				\$177.89	\$88.95	\$266.84
FLISS, PATRICK		\$32.38	\$32.38	\$43.17	\$21.58	\$129.50
FLORIAN, DAVID				\$12.27	\$6.13	\$18.40
GARDELL , MELVIN C		\$518.21	\$518.21	\$690.94	\$345.47	\$2,072.83

GAUT , MICHELLE L				\$110.69	\$55.34	\$166.03
GEIGER, JESSE		\$405.56	\$405.56	\$540.75	\$270.38	\$1,622.25
GEORGE , CHRISTOPHER J				\$15.90	\$7.95	\$23.86
GOEMER, GARY				\$108.63	\$54.32	\$162.95
GORMAN, TIMOTHY		\$165.93	\$165.93	\$221.24	\$110.62	\$663.73
GRAGG, JUSTIN		\$213.62	\$213.62	\$284.83	\$142.42	\$854.49
GRAHAM, JAMES				\$68.04	\$34.02	\$102.07
GRAHAM, KENDELL				\$12.72	\$6.36	\$19.08
GRAY, TIMOTHY		\$43.28	\$43.28	\$57.71	\$28.85	\$173.12
GREEN , LAVELLE L		\$445.87	\$445.87	\$594.49	\$297.24	\$1,783.47
GRUNEWALD, AUSTIN				\$70.43	\$35.22	\$105.65
HAFERT, IAN		\$5.45	\$5.45	\$7.27	\$3.64	\$21.81
HAGIE , JOHN R		\$475.80	\$475.80	\$634.41	\$317.20	\$1,903.22
HEMPEL , SCOTT D		\$97.64	\$97.64	\$130.18	\$65.09	\$390.55
HERNANDEZ , ELSA M		\$213.44	\$213.44	\$284.58	\$142.29	\$853.75
HERRERA, ADRIAN				\$23.63	\$11.81	\$35.44
HODGKINS , MARK J		\$460.89	\$460.89	\$614.52	\$307.26	\$1,843.56
HOEFT , ROBERT M		\$713.67	\$713.67	\$951.56	\$475.78	\$2,854.67
HOLMES, ANTONIO				\$49.98	\$24.99	\$74.97
HUGHES, JOHNNY		\$407.00	\$407.00	\$542.67	\$271.33	\$1,628.01
JAHN, SILVIA		\$96.05	\$96.05	\$128.07	\$64.04	\$384.22
JEFFORDS, KEITH		\$46.96	\$46.96	\$62.61	\$31.30	\$187.82
JOHNSON, DEMETRIS				\$6.59	\$3.29	\$9.88
JONES, ANDREW		\$161.57	\$161.57	\$215.43	\$107.71	\$646.29
KATZKE, WILLIAM		\$250.38	\$250.38	\$333.84	\$166.92	\$1,001.53
KINDER, JUSTIN				\$41.17	\$20.58	\$61.75
KLIMA, JOSEPH		\$188.37	\$188.37	\$251.16	\$125.58	\$753.49
KOESHALL , CALEB J		\$85.03	\$85.03	\$113.37	\$56.68	\$340.11
KRAUSE , KYLE H		\$79.75	\$79.75	\$106.33	\$53.16	\$318.98
KRUEGER , MADELINE U		\$140.49	\$140.49	\$187.32	\$93.66	\$561.96
KWITEK, DARRELL		\$12.61	\$12.61	\$16.81	\$8.41	\$50.44
LACOMBE , MITCHEL T		\$184.22	\$184.22	\$245.63	\$122.81	\$736.89
LAST , JAMES R		\$519.23	\$519.23	\$692.30	\$346.15	\$2,076.91
LAWERENZ , MATTHEW J		\$68.84	\$68.84	\$91.79	\$45.89	\$275.36
LEIBHAM , JOHN S		\$501.01	\$501.01	\$668.01	\$334.01	\$2,004.04
LEIFER, ADAM		\$143.51	\$143.51	\$191.34	\$95.67	\$574.03
LEONARD , CHAD W				\$47.26	\$23.63	\$70.88
LEWIS, JAMES		\$35.78	\$35.78	\$47.71	\$23.86	\$143.13
LINDSEY , D'ANGELO R				\$87.24	\$43.62	\$130.86
LOOSEN , MICHAEL R				\$66.34	\$33.17	\$99.51

MADISON, DERRICK				\$214.89	\$107.45	\$322.34
MALLOY, STEVEN		\$51.66	\$51.66	\$68.88	\$34.44	\$206.64
MALZEWSKI , DENISE E				\$317.89	\$158.95	\$476.84
MARTELL, ANTONIO				\$8.18	\$4.09	\$12.27
MCKINNON, CHRIS		\$66.05	\$66.05	\$88.06	\$44.03	\$264.18
MCLAUGHLIN, TERRY		\$405.31	\$405.31	\$540.42	\$270.21	\$1,621.25
MICEVIC, ZIVORAD				\$235.87	\$117.94	\$353.81
MOLA, COREY		\$80.19	\$80.19	\$106.92	\$53.46	\$320.77
MUDRA, SCOTT				\$17.27	\$8.63	\$25.90
MUELLER , KEVIN G				\$614.76	\$307.38	\$922.14
MUNCH , ZACHARY J				\$39.99	\$19.99	\$59.98
MUTZ, PAUL				\$58.15	\$29.07	\$87.22
NEUMANN, GARY		\$612.03	\$612.03	\$816.03	\$408.02	\$2,448.10
OLIVIER, SHANE		\$27.16	\$27.16	\$36.21	\$18.11	\$108.63
OLKOWSKI , JOSEPH W		\$545.83	\$545.83	\$727.77	\$363.89	\$2,183.32
OTTEN, MICHAEL		\$277.85	\$277.85	\$370.46	\$185.23	\$1,111.39
PARISEAU , JEANINE R		\$528.97	\$528.97	\$705.30	\$352.65	\$2,115.89
PERONDI, RYAN				\$34.31	\$17.15	\$51.46
PETERS, JULIE				\$109.01	\$54.51	\$163.52
PETERSEN , MATTHEW E		\$407.95	\$407.95	\$543.93	\$271.96	\$1,631.78
POLZIN, ANTHONY				\$46.12	\$23.06	\$69.18
PORTER, JALEN		\$4.77	\$4.77	\$6.36	\$3.18	\$19.08
PRONSCHINSKE, PAM		\$65.85	\$65.85	\$87.80	\$43.90	\$263.40
RACE, STEVEN				\$43.17	\$21.58	\$64.75
RASAPHOUMY , THIPPAKONE I		\$493.69	\$493.69	\$658.25	\$329.12	\$1,974.74
RASMUSSEN, ROBERT				\$40.02	\$20.01	\$60.03
REDDY, RALPH		\$179.79	\$179.79	\$239.72	\$119.86	\$719.17
REYNOLDS, DAVID				\$6.86	\$3.43	\$10.29
RICHTER, DAVID		\$201.92	\$201.92	\$269.22	\$134.61	\$807.66
RINDT , JEFFERY T		\$183.14	\$183.14	\$244.19	\$122.09	\$732.57
ROOS , THOMAS J		\$83.83	\$83.83	\$111.78	\$55.89	\$335.34
RUPP , JOSHUA J		\$100.19	\$100.19	\$133.59	\$66.80	\$400.77
RYBACKI, TODD		\$158.53	\$158.53	\$211.38	\$105.69	\$634.14
RZEPINSKI , MARSHALL J		\$141.77	\$141.77	\$189.03	\$94.51	\$567.08
SADOWSKI , JASON E		\$85.88	\$85.88	\$114.51	\$57.25	\$343.52
SANCHEZ , ANTONIO		\$253.66	\$253.66	\$338.21	\$169.11	\$1,014.64
SANDEN , THOMAS J				\$34.08	\$17.04	\$51.12
SCHALL, MELINDA		\$106.56	\$106.56	\$142.08	\$71.04	\$426.25
SCHAUB, RYAN		\$58.35	\$58.35	\$77.80	\$38.90	\$233.40
SCHNECK , ANDREW R		\$73.61	\$73.61	\$98.15	\$49.07	\$294.44

SCHNECK , JOEL J		\$60.32	\$60.32	\$80.43	\$40.21	\$241.28
SCHULTZ , DYLLAN		\$77.36	\$77.36	\$103.15	\$51.57	\$309.44
SCHULTZ , KENNETH L		\$564.52	\$564.52	\$752.70	\$376.35	\$2,258.09
SCHUMACHER, CORY		\$7.15	\$7.15	\$9.53	\$4.76	\$28.59
SERENO, JEFF		\$20.44	\$20.44	\$27.25	\$13.63	\$81.76
SIGLER , KYLE W				\$21.13	\$10.56	\$31.69
SPEARS , ROBERT E		\$602.00	\$602.00	\$802.67	\$401.33	\$2,408.00
SPEARS, FREDERICK		\$79.81	\$79.81	\$106.41	\$53.21	\$319.23
STANLEY , DUSTIN L				\$140.86	\$70.43	\$211.29
STAUB , MICHAEL P				\$192.21	\$96.10	\$288.31
TAYLOR, BERNELL				\$7.27	\$3.64	\$10.91
TEFFT, GARY		\$118.03	\$118.03	\$157.37	\$78.68	\$472.10
THAO , TIMOTHY		\$119.96	\$119.96	\$159.94	\$79.97	\$479.83
THEEP , TIMOTHY F		\$71.57	\$71.57	\$95.42	\$47.71	\$286.26
THOMPSON , NICHOLAS J		\$496.20	\$496.20	\$661.60	\$330.80	\$1,984.80
THOUMMAVONG , SOMKHITH K		\$442.31	\$442.31	\$589.74	\$294.87	\$1,769.23
THURLOFF, MARCUS				\$89.77	\$44.88	\$134.65
TOTH, ALLEN		\$85.76	\$85.76	\$114.35	\$57.18	\$343.05
TROBAUGH , MIKE K		\$328.01	\$328.01	\$437.35	\$218.67	\$1,312.05
TUCKER, ALEXANDER				\$11.36	\$5.68	\$17.04
VERMILLION, KIRK		\$362.26	\$362.26	\$483.01	\$241.51	\$1,449.04
VIZER, ROBERT				\$526.51	\$263.25	\$789.76
VOGT , DANIEL A		\$320.88	\$320.88	\$427.84	\$213.92	\$1,283.53
VOLDEN , JEFFREY S		\$658.38	\$658.38	\$877.84	\$438.92	\$2,633.53
VONCKX, TIMMY		\$19.77	\$19.77	\$26.35	\$13.18	\$79.06
WELLNER , ADAM S				\$96.78	\$48.39	\$145.18
WHEILAND , JAMES F		\$387.16	\$387.16	\$516.21	\$258.10	\$1,548.63
WHITE, ANDREW				\$59.30	\$29.65	\$88.95
WHITE, DETOINE				\$22.39	\$11.20	\$33.59
WICKERSHEIM, JANET				\$622.35	\$311.17	\$933.52
WROBLEWSKI , ROBERT M		\$778.47	\$778.47	\$1,037.96	\$518.98	\$3,113.88
ZDEB, JAMES				\$82.20	\$41.10	\$123.30
ZELLMER, DANIEL		\$40.97	\$40.97	\$54.63	\$27.32	\$163.90
ZOESCH , JOHN A		\$532.21	\$532.21	\$709.61	\$354.81	\$2,128.84
ZUNIGA, JOEL				\$23.42	\$11.71	\$70.26
ZWIEG, NEAL		\$45.33	\$45.33	\$60.43	\$30.22	\$181.30

10. Defendant **SHALL** further make payment of attorneys' fees and costs, without any withholdings and to be reported on an IRS 1099 form, to Plaintiffs' Counsel, Hawks Quindel, S.C., within seven days of this Order, in the amount of \$61,995.16.

11. Defendant **SHALL** deliver all payments described in paragraphs 6 through 10 above within seven days of this Order to Plaintiffs' Counsel at Hawks Quindel, S.C., Attn: Attorney Larry A. Johnson, 222 E. Erie Street, Suite 210, Milwaukee, WI 53201.

12. For any payment issued under paragraphs 6 through 11 above that becomes null and void as a result of not being delivered or cashed within ninety days of issuance, Defendant **SHALL** reissue payment for such amounts to the Parties' elected Cy Pres Recipient: The Employee Rights Advocacy Institute for Law & Policy, 2201 Broadway, Suite 310, Oakland, CA 94612. Defendant **SHALL** provide Class Counsel with an accounting of any such payment that becomes void after ninety days of issuing within twenty-one days of the payment becoming void. Within seven days of Class Counsel's approval, Defendant **SHALL** reissue the cy pres amount to The Employee Rights Advocacy Institute for Law & Policy, 2201 Broadway, Suite 420, Oakland, CA 94612.

13. By consent of the Parties, the Court **SHALL** retain jurisdiction for the purpose of enforcing the terms of the settlement agreement and the mandatory injunction contained herein.

The court **ORDERS** that this case is **DISMISSED WITH PREJUDICE**, and without further cost to either party.

Dated this 28th day of September, 2018 at Milwaukee, Wisconsin.

BY THE COURT

s/Nancy Joseph

NANCY JOSEPH

United States Magistrate Judge